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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/057,749 04/09/98 STRANDBERG M DAVOX-144XX

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LM02/0620

EXAMINER

TIEU, B

ART UNIT

PAPER NUMBER

2742

DATE MAILED:

06/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/057,749

Applicant(s),
Strandberg

Examiner
Benny Quoc Tieu

Group Art Unit
2742



☒ Responsive to communication(s) filed on Jun 2, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-6 and 8-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6 and 8-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on June 2, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/057,749 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. Claims 1, 3-6, and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. (U.S. Patent No. 5,884,032) in view of Grossman et al. (U.S. Patent No. 5,436,965), Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

Regarding claims 1 and 10, Bateman teaches a system and method for providing a telephone call back to a customer with a computer equipment who uses WWW servers (computer network) to access information from an organizations databases, then needs help from a human ACD agent, and requests for a callback (Abstract). Bateman fails to teach an automated dialer system including a call back campaign manager, a call scheduler, and a predictive dialer. However, these features are well known in the art and taught by Grossman. Grossman teaches a call record scheduling system and method including outbound telephone contact campaigns

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(Abstract), a call scheduler (column 2, lines 56-61), and predictive dialer (column 4, lines 7-12). Both Bateman and Grossman fail to teach redialing a busy telephone number. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Bateman, Grossman, as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of call scheduler, predictive dialer as taught by Grossman, and the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Bateman in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer. It should be noticed that Bateman teaches the network including the feature that a

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telephone line used to access a computer network is the same telephone line which is used for call back purpose (column 6, line 66 to column 7, line 13 and column 10, lines 55-58). Also, an option of immediately call back is described (column 6, lines 23-25 and column 7, lines 51-54).

Regarding claim 3, Bateman further teaches the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Bateman, column 6, lines 15-30.

Regarding claim 5, see Bateman, column 6, line 24.

Regarding claim 6, see Bateman, column 7, lines 43-61.

Regarding claims 8 and 9, Bateman fails to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claims 11 and 13, Bateman fails to teach the method wherein the step of redialing includes continuously redialing the at least one of telephone numbers until an answer is detected. However, Srinivasan teaches this feature (Abstract, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of redialing as taught by Srinivasan into the method as disclosed by Bateman in order to offer the customer a call back service successfully.

Regarding claim 12, see Bateman, column 6, lines 55-57.

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Regarding claim 14, Bateman further teaches the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 6, lines 23-25).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Bateman, Grossman, and Srinivasan fails to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination of an outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Bateman, Grossman, and Srinivasan in order to maximize the utility of the agents.

4. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 5,991,394) in view of Srinivasan (U.S. Patent No. 5,185,782), and Nichols et al. (U.S. Patent No. 4,748,511).

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Regarding claims 1 and 10, Dezonno teaches a method and system for establishing voice communications between a computer user and an agent of a business over a computer network. The computer user is offered a callback at time of the user choice correspond to a request from the user. The system as taught by Dezonno includes a computer network interface and an automated dialer system. The automated dialer system comprises a call back campaign manager, a call scheduler, and a telephone number dialer (see entire patent). Dezonno differs from the claimed invention in that Dezonno fails to teach the feature of immediately redial in case a line of a telephone number to be dialed is busy. However, Srinivasan teaches a system and method wherein if a call does not get through, the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately redialing a busy line is a well known feature in the art of telecommunications. For example, Nichols teaches a teleradiology system wherein a modem dials a number and tries to establish a link. If the line is busy, the modem will immediately redial the number three times before giving up (column 26, lines 42-45). Modifying periodically redialing into immediately redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Dezonno as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Nichols and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Nichols into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to incorporate the use of immediately redial as taught by Srinivasan and Nichols into the system and method as disclosed by Dezonno in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately redialed until the call is answered by the customer.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoneda et al. (U.S. Patent No. 5,590,183) teaches a keep call back device.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry, please

label the response "EXPEDITED PROCEDURE")

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Or: (703) 308-6296, (for informal or draft communication, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to **BENNY Q. TIEU** whose telephone number is **(703) 305-2360**. The
examiner can normally be reached on Monday through Friday from 7:00AM to 5:30PM.


The fax number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the group receptionist whose telephone number is (703) 305-4700.

BENNY Q. TIEU
PATENT EXAMINER

Date: June 14, 2000.

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KRISTA ZELLE
SUPERVISORY PATENT EXAMINER
GROUP 2700